

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY SYKES and TEVYA
URQUHART,

No. 05-71199

Plaintiff,

District Judge Bernard A. Friedman

v.

Magistrate Judge R. Steven Whalen

DERRICK ANDERSON, et.al.

Defendants.

AMENDED ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

(Amended as to Case Caption Only)

For the reasons stated on the record on February 6, 2007, Plaintiff's Motion to Compel Production of Documents in Response to Consolidated Plaintiffs' First Request for Production of Documents and Things, Dated September 26, 2006 [Docket #56]¹ is GRANTED, as follows:

1. Plaintiff's request that Defendant City of Detroit produce the original surveillance videotape from March 7, 2002 robbery (Request to Produce #5) is granted. If, following a

¹Although Defendants' counsel appeared at the February 6, 2007 hearing and argued in opposition to this motion, Defendants did not file a written response to the motion. In addition, although Defendants' counsel did meet and confer with Plaintiff's counsel prior to the hearing, she did not participate in the preparation of a Joint List of Unresolved Issues, as required by this Court. Nevertheless, the Court has considered Defendants' arguments as presented at the hearing, and has decided this motion on the merits.

diligent and good-faith search the Defendant City of Detroit or any of its agents or employees are unable to find the tape, then the person or persons who undertook the search shall so certify in writing, and shall detail exactly what steps were taken to locate the tape. In addition, Defendant City of Detroit shall produce all documents in its possession or control showing the chain of custody of the original tape (Request to Produce #7)

2. As to Requests to Produce #12 and #13 (regulations, policies, procedures, etc. relating to the six specific areas listed in the Requests), the Motion is GRANTED. These documents shall be subject to a protective order limiting their use and disclosure to the present lawsuit. Plaintiff's counsel and Defendant's counsel shall prepare and file electronically a stipulated proposed protective order.

3. As to Request to Produce #14, the Motion is GRANTED as to the named Defendant police officers only. In addition, Defendant shall produce any forms, such as acknowledgment of receipt forms, that are normally provided to Detroit Police Officers with respect to receipt of materials listed in Request #12 and #13.

4. As to Requests to Produce # 17-#21, the Motion is GRANTED, with the following limitations:

A. The personnel files, disciplinary files, evaluations, etc. of the individual Defendant Police Officers shall be redacted to exclude any personal information such as Social Security Numbers, home addresses, information about family members, etc. In addition, said material shall be subject to a protective order limiting its use and disclosure to the present lawsuit, as stated on the record on February 6, 2007. Plaintiff's counsel and Defendants' counsel shall

prepare and file electronically a proposed stipulated protective order.

B. As to Request to Produce #19, pertaining to complaints, grievances, investigations, etc. against the Detroit Police Department or any individual Detroit Police Officer other than the named Defendants, the time frame shall be 1997 to 2004. These documents shall be subject to the protective order set forth above in ¶ 2.

5. All documents set forth herein shall be produced within 30 days of the date of this Order.

6. Plaintiff's request for fees and costs pursuant to Fed.R.Civ.P. 37 is DENIED. However, Defendants' failure to comply with this Order or any other order of the Court will result in sanctions under Rule 37.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 22, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 22, 2007.

S/Gina Wilson
Judicial Assistant